

C. A LIDB Monitoring Service Is Not An  
Effective Fraud Prevention Measure

In late filed *ex parte* communications, Sprint and MCI suggested that the other LECs be forced to upgrade LIDB so that it could signal an OSP of a suspicious number of calls from inmate facilities to a particular number. The LIDB would apparently monitor all calls originating from any inmate facility to a particular line and notify a carrier when the number of calls from any inmate facility, or combination of inmate facilities, to that particular line reaches a predetermined threshold. The theory seems to be that a velocity monitoring service in LIDB could help carriers detect a new opportunity for subscription fraud that would appear under BPP, where a party can frequently select new OSPs to avoid payment. The Commission has requested comment on whether LECs providing LIDB should be required to offer such a service. FNPRM at ¶ 51.

There is nothing in the record that suggests that any LEC is currently offering a LIDB-based service of this sort. Nor is there any indication that any LEC could want to offer this service. Clearly, the deployment of the service would impose significant new costs throughout the network. It is unclear what "infrastructure" would be required to offer the service. For example, would the existing signalling capability between LIDB networks and OSP networks be capable of exchanging the necessary information? Would additional modifications or upgrades to the OSS 7 network (as distinguished from the SS 7 network) be required?

Moreover, it is important to highlight what a LIDB-based service would not do. It would not provide a carrier with sufficient information to adequately evaluate whether there is a legitimate risk of prospective fraud. For example, it would not monitor inmate calling in any manner from the originating point of the call. Thus, the carrier would not know anything about the calling patterns and volumes from a particular inmate facility or particular inmate. Nor would the carrier have any information about the terminating line number, such as payment history, billing name and address, or other relevant information.

Yet, as ICS providers under the current system are fully aware, this is critical information in evaluating whether there is a risk of fraud. Volume monitoring data on the terminating line alone is not a reliable source of information. ICS providers currently identify potential fraud and prevent that fraud from occurring by looking at the whole calling transaction; i.e., where the call is being originated, which inmate is placing the call, what if any peculiar calling patterns are associated with that inmate or facility, the payment history of the terminating line, etc.

A velocity monitoring service in LIDB would only tell carriers when the number of calls from inmate institutions to a particular line number has crossed an arbitrary threshold. This may or may not mean there is a fraud potential, and could result in many legitimate calls being denied service. For example, law firms that do criminal defense work would clearly have difficulty receiving

inmate calls, despite the fact that fraud is unlikely, simply because they had received a threshold-breaking number of inmate calls. Prisoner rights groups and other locations that receive high volumes of inmate calls would encounter similar problems.

Moreover, the existence of such a LIDB service would pose a variety of additional regulatory issues. A presubscribed carrier who received notification that a subscriber had reached the threshold in response to a LIDB query would be faced with a dilemma.<sup>15/</sup> As the discussion above indicates, given the complexity of making a determination when fraud is occurring, it would be unreasonable, based on the single fact that a subscriber had exceeded the threshold, to cut off service, even assuming all carriers amended their tariffs to allow them to take that action.<sup>16/</sup> Different customers, such as prisoners' rights groups, may require different thresholds to receive legitimate traffic. Setting the LIDB thresholds to accommodate individual customer needs may be very expensive.

Cost recovery for such a service also raises serious issues. Since its purpose would be to prevent fraud from inmate facilities, its cost would likely be assessed to inmate calls. If a primary

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<sup>15/</sup>It is unclear what that threshold should be. Different carriers may want different thresholds.

<sup>16/</sup>Indeed, in a number of fraud incidents recounted before the Commission in the Pacific Mutual proceeding, Public Notice, DA 91-284, 6 FCC Rcd 1545 (1991), the carriers indicated that they did not believe they could cut off service to a customer or refuse to carry traffic from that customer's premises without the customer's explicit authorization, even when the high toll notifiers within the carrier's network led the carrier to believe fraud was occurring.

purpose of applying BPP to inmate calls is to reduce their costs, any additional costs assessed on inmate calls to implement BPP must be carefully scrutinized.

In short, the detection and prevention of fraud from inmate facilities is a clearly a complex process. It requires controls and monitoring at both the originating and receiving points of the call and involve a variety of information sources and technologies, as well as human judgment, to determine what is and is not a legitimate fraud risk and what preventative action should be taken in order to prevent the fraud from occurring. ICS providers are currently motivated to conduct this process since they have a legal obligation to prevent fraud pursuant to their contracts with facilities and because they are financially responsible for the calls they carry. Fraud from inmate institutions can be detected and prevented most efficiently by a single provider who performs multiple functions for particular facilities, not by any carrier serving any inmate from any facility.

For these reasons, ICSPTF does not believe a LIDB velocity service would be very beneficial, particularly because there is a system in place now that works well. In any event, the Commission must further develop the record on the costs and benefits of any such LIDB service and its potential efficacy before it can be used as a basis for believing fraud can be prevented in a BPP environment. There has been no cost information, technical information or anything else upon which the Commission can even begin to assume that such a service may be a feasible option.

V. ALTHOUGH THE COMMISSION DID NOT SEPARATELY ANALYZE THE COSTS AND BENEFITS OF APPLYING BPP TO INMATE FACILITIES, IT IS CLEAR THAT THE COSTS OF BPP SIGNIFICANTLY OUTWEIGH THE SINGLE ALLEGED BENEFIT.

The Commission did not conduct a separate cost-benefit analysis of BPP for inmate institutions. Rather, the costs and benefits of BPP for inmate facilities was included in the general cost-benefit analysis of BPP. In its separate comments, APCC is submitting the Jackson-Rohlf's study, which shows that the costs of BPP far outweighs the costs. ICSPTF agrees with that analysis.

There are, however, some special considerations that apply to the cost-benefit analysis of applying BPP to inmate institutions. Clearly, the Commission must examine these considerations before concluding that BPP can be applied to inmate institutions. The discussion below provides the minimum factors that the Commission must consider in that analysis. ICSPTF will not attempt to quantify the costs and potential benefit here. However, it is clear that any cost/benefit analysis would conclude that the costs of BPP at inmate facilities significantly outweigh the potential benefit and that BPP should therefore not apply.

A. Neither The Convenience Of Avoiding Access Codes Nor Enhancing The Position Of AT&T'S Competitors Applies At Inmate Facilities

The "primary" alleged benefits of BPP<sup>17/</sup> -- simplified dialing procedures for consumers -- cannot occur at inmate facilities since access code calling is generally not allowed from prisons; nor is

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<sup>17/</sup>By addressing the purported benefits of BPP, ICSPTF does not mean to imply that they are valid benefits.

access code dialing required under TOCSIA.<sup>18/</sup> Indeed, virtually all inmate calls are currently dialed on a "0+" basis. Thus, BPP can provide no benefit of more convenient dialing from prisons.

Another stated benefit of BPP -- the balancing of competition in the "0+" market -- also does not apply in the inmate environment. The justification for this supposed benefit is that because AT&T customers can reach the AT&T network by dialing "0+" more frequently than customers of other carriers can reach their carrier's network by dialing "0+," AT&T holds a marketplace advantage in the marketing of its service on a presubscribed basis. BPP, therefore, is designed to "give MCI, Sprint, and others the ability to offer customers the same 0+ calling option that AT&T offers and that many customers appear to prefer." FNPRM at ¶ 6. Virtually all prisoners, however, are limited to placing "0+" collect calls. They generally have no other dialing option. Neither AT&T nor any other carrier, therefore, has any "0+" marketplace advantage in the inmate calling market. Thus, a second key benefit of BPP is also meaningless in the inmate environment.

B. Commission Payments And Savings From  
"Guaranteed Automatic Routing" Are  
Transfer Payments, Not Benefits.

The Commission's other benefits are the purported savings derived by diverting traffic from the "third tier" higher priced OSPs to other lower-priced carriers and the "savings" from

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<sup>18/</sup>Of course, the benefit of reduced TOCSIA enforcement at inmate facilities is similarly meaningless since TOCSIA does not apply to prisons.

eliminating commissions. Nowhere than in the inmate environment is it clearer that any "savings" from eliminating commissions or diverting traffic from one OSP to another are in reality transfer payments. As the discussion above makes clear, see Sections III(B)(1), (2) and Section III(C), supra, and as the Jackson-Rohlf's study highlight, to the extent the commissions from ICS providers dry up, either the programs and services (including ICSs) they support will be eliminated or their costs will be "transferred" to taxpayers.<sup>19/</sup>

C. In Any Event, Inmate Calls Are  
Not Likely To Cost Less Under BPP

The inapplicability of all the alleged benefits of BPP to inmate facilities leaves the possibility of lower rates on certain inmate calls as the only conceivable benefit that possibly could apply. However, BPP may very likely not result in any general reduction of the rates for inmate calls. Rather, there is a significant possibility that a good number of inmate families and others that pay for inmate calls will actually see their rates increase, not decrease, under BPP.

Indeed, ICSPTF's research shows that a significant number of inmate call recipients are the current beneficiaries of rate caps, both as required by state regulatory commissions and by contracts

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<sup>19/</sup>For purposes of this discussion, any negligible real efficiency gains derived from diverting inmate traffic from relatively "inefficient" third tier OSP providers to relatively "efficient" other providers can be ignored. Indeed, there is no evidence that any such efficiencies exist.

between the inmate facility and the ICS provider. Many of these rate caps are tied to dominant carrier rates.

Further, assuming that the Commission follows its established policy of requiring that the costs of a new service be recovered from the beneficiaries of that service, the rates for virtually every inmate call will include a charge for BPP. Moreover, the additional costs of the special network upgrades that would be necessary for inmate calling under BPP (e.g. a velocity monitoring service in LIDB and/or other network-based fraud controls and measures) would likely be recovered solely from higher BPP charges for inmate call recipients. Therefore, in all likelihood, the inmate call recipients who are currently paying dominant carrier rates or rates that are otherwise reasonable will undoubtedly see their rates increase after BPP, as rates on BPP routed calls are adjusted to reflect their relatively higher cost. Thus, for these consumers, BPP is clearly not a benefit.

There is an additional problem with the recovery of BPP's costs that could result in inmate call recipients paying a disproportionate share of BPP's massive costs. Because inmate calling is generally restricted to "0+," inmates will become guaranteed users of BPP. Other potential users, however, would still be free to dial access codes after BPP, and thus avoid contributing to BPP's costs.<sup>20/</sup>

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<sup>20/</sup>As discussed in APCC's comments, there is good cause to believe that access code use will increase under BPP since that its likely to become a cheaper way for consumers to reach their carrier of choice. As more and more consumers flock to access codes, the  
(continued...)



Some of the BOCs that support the application of BPP at inmate facilities obviously recognize this phenomenon, asserting "that collect calls from prisons represent approximately half of all collect calls, and that diminishing the volume of BPP calls would raise the per-unit BPP costs for other customers." FNPRM at ¶ 46 (emphasis added). That sentence is artfully drafted, but its meaning in the marketplace is clear: the BOCs support BPP at prisons because they need a base of users who are guaranteed to pay for BPP's costs. In effect, therefore, inmate calls will likely end up *subsidizing* the option of BPP for all other potential users. This will hardly lead to lower rates for inmate calls.

D. There are Significant Social and Economic Costs of Applying BPP at Inmate Facilities

The application of BPP at inmate institutions will create significant new costs which the Commission must consider. For example, as discussed above, regardless of whether fraud could be controlled under BPP as effectively as it is controlled today, network upgrades to prevent fraud under BPP will be necessary. See Section IV, *supra*. Similarly, the costs of any anti-fraud LIDB service must be charged to BPP. The Commission must take into account these increased costs in deciding whether to adopt BPP.

If the Commission continues to treat any reduction in charges or reduced commissions as benefits, as discussed above and as the

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<sup>20/</sup>(...continued)  
per-unit BPP costs for inmate call recipients will rise. Indeed, inmate call recipients could be left to shoulder the majority of BPP's costs.

Jackson/Rohlf's study concludes, these benefits must be offset by the value of the reduced calling available to inmates and the increased tax burden for the general public of making even limited calling options available. The Commission must also consider as offsets the loss of the benefits inmates and their families currently receive from the special inmate programs that are financed by inmate calling revenues.

In sum, there are a variety of cost factors that the Commission has not considered, but which it must consider before it could apply BPP to inmate institutions. ICSPTF submits that once a proper study has been done, the Commission will conclude that cost of extending BPP to inmate facilities will far outweigh its only perceived (and dubious) benefit of possibly lowering rates on some calls.

VI. A RATE BENCHMARK WOULD BE A LESS COSTLY,  
LESS INTRUSIVE AND MORE EFFECTIVE ALTERNATIVE

Considering that the only conceivable benefit of applying BPP to inmate facilities is the possibility of lower rates for certain inmate calls, the Commission should address that concern directly by setting a reasonable "benchmark" for interLATA calling rates. Any ICS provider that is charging rates in excess of that benchmark should be forced to justify those rates. The Commission clearly has the authority to take such action.

A benchmark would also set a firm guideline for prison officials to follow in setting rate requirements in their contracts with providers. As discussed above, ICSPTF's research shows that

prison officials are increasingly requiring that their providers comply with rate caps. A federal guideline would assist prison officials with that effort. In addition, a benchmark would also encourage others who currently do not require rate caps to begin to take such action.

Thus, a benchmark would be a less costly, less intrusive and more efficient alternative to the BPP proposal. Further, those inmate families who may be the subject of overcharging could see relief immediately if a benchmark is adopted, not three years from now as even the most optimistic projection of BPP requires.

#### CONCLUSION

The existing record is clear, and the record that is currently being developed is even clearer: the Commission should not apply BPP at inmate institutions.

Respectfully submitted,



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Dated: August 1, 1994

**EXHIBIT 2**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Billed Party Preference	)	CC Docket No. 92-77
for 0+ InterLATA Calls	)	

FURTHER REPLY COMMENTS OF THE  
INMATE CALLING SERVICES PROVIDERS TASK FORCE

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## SUMMARY

Numerous parties are now firmly on the record opposing billed party preference ("BPP") at inmate facilities. Indeed, over six hundred (600) letters and comments have been filed opposing BPP at prisons or jails. The majority of this opposition comes from prison and jail officials -- those who have public responsibility and authority over inmates and inmate facilities. The majority of the LECs now oppose BPP at inmate facilities, and the IXC's have offered no basis for BPP's extension. Any concerns the Commission may have had about an inadequate record on this issue have clearly been erased.

The comments also show that the costs of applying BPP at inmate facilities -- cost that the Commission failed to take into account in its BPP analysis -- are significant and real. No party has submitted any data quantifying a benefit from extending BPP to inmate facilities. Thus, there is no factual basis on which the Commission could conclude that BPP is warranted at these locations.

Indeed, the comments also show that fraud cannot be controlled under BPP as efficiently and effectively as the current system. And the record is clear that BPP would adversely impact the ability of prison and jail officials to control inmate calling, which would ultimately expose the public to potential criminal telephone activity. This inability to control inmate calling will lead to a reduction in inmate calling equipment, inmate calling opportunities and important inmate programs; hundreds of prison and jail officials have made that point clear.

To the extent there is a problem with the rates of certain providers, reasonable rate regulation is a more effective alternative. Any effort to bring lower rates will require Commission enforcement. That is a simple fact. Nevertheless, ICSPTF supports a system whereby the Commission would establish a reasonable rate benchmark for inmate calling rates. A reasonable rate benchmark would assist the Commission with its necessary enforcement duties, and ultimately solve any isolated instances of overcharging in a less expensive and more efficient way than BPP.

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**FURTHER REPLY COMMENTS OF  
THE INMATE CALLING SERVICES PROVIDERS TASK FORCE**

The Inmate Calling Services Providers Task Force ("ICSPTF") submits these Further Reply Comments in response to the Commission's Further Notice of Proposed Rulemaking, FCC 94-117 (June 6, 1994) ("FNPRM"), in the above-referenced proceeding.

**I. THERE IS WIDESPREAD OPPOSITION TO BPP AT INMATE FACILITIES**

In addition to ICSPTF, over six hundred (600) letters and comments vigorously opposing Billed Party Preference ("BPP") at inmate facilities were filed in response to the FNPRM. The majority of this opposition comes from prison and jail officials -- those who have the greatest understanding of the needs at their particular facilities, and those that would suffer the most from BPP's devastating effects. In addition, parties who otherwise support BPP oppose BPP at inmate facilities. Other advocates of BPP failed to support BPP at inmate facilities, or otherwise conditioned their support in such a way that would substantially minimize any potential rate reductions, the only purported benefit of applying BPP to inmate facilities.

**A. There Is Overwhelming Opposition To BPP From Other Government Agencies, Particularly Those Which Have Responsibility And Accountability Over Inmate Facilities.**

There has been a staggering amount of opposition to BPP from other government agencies, particularly those which have responsibility and accountability for inmate facilities. For example, the Federal Bureau of Prisons, which unlike the Commission has jurisdiction over and is experienced with prison administration and security issues, strongly opposes BPP. The Federal Bureau of Prisons states that through applying BPP to inmate facilities

the FCC would substantially reduce the control of correctional professionals over their telephone systems and place control of this type of call in the hands of third parties. This action could provide greater opportunities for incarcerated persons to perpetuate inappropriate and criminal activity by introducing multiple live operators from multiple long distance carrier into the collect calls process of prisoners.

Comments of Federal Bureau of Prisons at 1. The Departments of Corrections for at least thirty (30) states have raised similar concerns: Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, and Wisconsin.

Other governmental bodies have also raised concerns about the inmate calling issue. The Pennsylvania Public Utility Commission ("PaPUC"), for example, states that because of the unique

circumstances related to inmate calling, the Commission "should not mandate BPP in inmate settings unless provision is made for the continuation of existing safeguards and fraud prevention measures and the effect of its proposal is revenue neutral for detention facilities." PaPUC Reply Comments at 14. Similarly, the National Association of Regulatory Commissioners ("NARUC") has adopted a resolution that urges the Commission to "give further consideration to the reasonable measures that should be taken to prevent fraud associated with BPP, particularly from inmate institutions, and that the costs of those measures must be considered as part of the overall expense of BPP implementation." NARUC Comments at 4.<sup>1/</sup>

**B. Most LECs Oppose BPP At Inmate Facilities.**

There is significant opposition to, and a general lack of support for, BPP routing of inmate calls from the local exchange carriers ("LECs"). While several LECs are opposed to BPP generally, some go on to argue that if BPP is nevertheless adopted, the Commission should not extend its application to inmate

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<sup>1/</sup>Accord, Comments of the State of South Carolina's Division of Information Resource Management ("DIRM") (urging the Commission to exempt inmate telephones from BPP); Letter from the Pennsylvania Governor's Office (opposed to BPP for inmate calls); Letter of Gail W. Wekenborg, Missouri's Office of Administration (opposing BPP for inmate calls; see, also, Comments of Idaho Public Utilities Commission (agreeing that inmate fraud needs to be prevented, but nevertheless supporting BPP at correctional facilities); but, cf. Reply Comments of the Florida Public Service Commission at 3 ("we urge the FCC to further study this issue before making a final determination on requiring BPP for inmate calls."); contra, Comments of the Missouri Public Service Commission (supports BPP at prisons).

facilities. Bell Atlantic, for example, is now generally opposed to BPP -- a direct reversal from its earlier position supporting BPP. With regard to inmate calling, Bell Atlantic states that if the Commission nonetheless adopts BPP "it would be foolish to extend Billed Party Preference to inmate services." Bell Atlantic Comments at 17-18. Moreover, Bell Atlantic notes that "there are no technical advances that solve the problem that occurs when inmates have access to multiple networks and operators, and, contrary to the Commission's apparent belief, billed party preference does not increase in any way the exchange carrier's ability to prevent fraud." Id.

Nynex, another Bell Operating Company ("BOC") that is opposed to BPP, states that is it has no objection to exempting inmate telephones from BPP even if BPP is adopted. Nynex Comments at 16. Nynex goes on to note that "if inmate phones are exempted, the per call BPP charge for all other operator service calls will increase." Id.<sup>2/</sup>

There are also LECs who generally support BPP, but nonetheless oppose BPP's extension to inmate facilities. Ameritech, for example, supports BPP in general, but states that correctional facilities should be exempt from BPP. Ameritech Comments at 11-14.

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<sup>2/</sup>Although they did not address the inmate issue directly, BellSouth, who generally opposes BPP, presumably opposes BPP at inmate facilities as well as all other locations. The same can be said for the smaller LECs opposed to BPP. See Comments of the Organization for the Protection and Advancement of Small Telephone Companies ("OPASTSCO"), National Telephone Cooperative Association ("NTCA") and Rochester Telephone Companies. US West did not file comments.

Ameritech goes on to explain why a LIDB-based fraud control service could not be as effective as the current system at controlling fraud from inmate facilities, concluding that "the most effective way to control fraud on inmate-originated calls is with premises equipment on the prison site, coupled with the use of a single carrier." Id.

Finally, there are LECs who generally support BPP, but only with conditions that would likely offset any possibility that BPP will produce lower rates on certain inmate calls. Pacific Bell and Nevada Bell only support BPP at inmate facilities subject to the Commission requiring a back-end compensation mechanism for inmate calling services ("ICS") providers so that they can continue to provide the equipment and services necessary to prevent fraud from inmate facilities. Comments of Pacific Bell and Nevada Bell at 3. The Pacific Bell/Nevada Bell proposal, therefore, would merely shift the revenue stream of the current system, and would be unlikely to produce substantial rate reductions for inmate calls.

In sum, the majority of the LECs have either explicitly opposed BPP at inmate facilities, implicitly opposed BPP at inmate facilities through their general opposition to BPP, or have conditioned their support for the proposal upon the Commission mandating an alternative revenue stream for ICS providers. Only Southwestern Bell and GTE continue to support BPP at inmate facilities. Both parties, however, only provide a cursory discussion of the issue. Neither has addressed the issue of how

much BPP at inmate facilities will cost vis-a-vis any possible rate reductions that could result.

**C. The IXC's Comments Offer No Basis For Applying BPP To Inmate Facilities.**

Only two of the major interexchange carriers ("IXCs") addressed the application of BPP to inmate facilities, AT&T and Sprint. Neither has shown how BPP could lead to the Commission's primary objective of lowering rates for inmate calls.

To the contrary, AT&T's comments suggest that inmate calling rates may actually rise under BPP, a concern expressed by ICSPTF in its initial comments. AT&T states that it does not support an exemption for inmate facilities since a "significant portion of collect calls" originate from these locations. Thus, AT&T, which is otherwise opposed to BPP, implicitly recognizes that inmate calls would represent an important source of BPP's overall cost recovery in the event BPP is adopted particularly since inmates would effectively be forced to use the BPP routing scheme while other users would still be free to dial access codes. If access code use should actually rise after BPP, as many have suggested, the per-unit charge for BPP use from all phones, but particularly from inmate facilities, could rise substantially.<sup>3/</sup>

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<sup>3/</sup>Indeed, the carriers, knowing the origin of calls under BPP, particularly if "flex ANI" is universally deployed, could very well decide to load a significant portion of BPP's costs on inmate calls. See Comments of Nynex at 16 ("if inmate phones are exempted, the per call BPP charge for all other operator service calls will increase.").

Apart from the costs associated with BPP, AT&T states that the carriers must be allowed to tariff special rates for inmate service in order to cover the "unique costs" carriers may incur in providing inmate service, including special fraud protection and security measures necessary to protect carriers and called parties as well as security and call limitation measures required by prison authorities. AT&T Comments at 26. Based upon the evidence in the record, however, it is clear that those "unique costs" could prove to be significant. For example, if carriers under BPP are required to perform in the network the same or similar functionality that inmate calling services providers currently provide on site through the use of CPE, the data on the record shows that those costs could run somewhere in the neighborhood of \$317 million. See Comments of Gateway Technologies, Inc. at 14. Thus, AT&T's support, like the support of Pacific/Nevada Bell, is subject to a condition that is likely to offset the only conceivable purpose of applying BPP to inmate calls.

Sprint, one of the primary advocates of BPP, gives anything but a full-fledged endorsement for BPP at inmate facilities. In fact, Sprint now states that because the "prison environment is a unique one," it "would not oppose an exclusion of inmate-only phones" from BPP, "assuming that their exclusion would not increase the costs of BPP." Sprint Comments at 40. Like AT&T, therefore, Sprint supports BPP at correctional facilities in order for those calls to serve as a cost recovery base for BPP. As explained



above, however, that notion is inconsistent with the Commission's goal of lowering rates for inmate calls.

Sprint also failed to support or provide cost data for the theoretical network-based fraud control services suggested in the FNPRM, even though Sprint was the original proponent of the LIDB-based proposal in an earlier *ex parte* presentation. Likewise, MCI failed to support or comment on the costs and benefits of applying BPP to inmate facilities, despite its earlier efforts to influence the Commission on this issue through its *ex parte* communications.<sup>4/</sup>

\* \* \* \*

In sum, numerous parties are now firmly on the record opposing BPP at inmate facilities. Very few have come out in support. Thus, the Commission's earlier concern about the record on the inmate issue being "inadequate" to make a reasoned decision is no longer valid. The record on this issue is now substantial and more than adequate -- a record that clearly shows that BPP should not be extended to inmate facilities.

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<sup>4/</sup>The Commission should be skeptical of a belated effort by MCI to support BPP at inmate facilities, through data or other reasoning, at the "Reply Comment" stage of this proceeding. Should MCI chose to provide its initial response to the questions in the FNPRM in its Reply Comments, the Commission should, at a minimum, extend the formal pleading cycle in this proceeding to provide interested parties an opportunity to respond to MCI's position, and should avoid relying on the *ex parte* process as a basis for a record.